IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA NO.2335 OF 2005
DATE OF DECISION: 23-08-2007

Chuhar Singh etc.

.....Appellants

VERSUS

Punjab State etc.

.....Respondents

CORAM:- **HON'BLE MR.JUSTICE HEMANT GUPTA**

PRESENT: Mr. KG Chaudhary, Advocate
for the appellants.

HEMANT GUPTA, J.(Oral)

The plaintiffs are in second appeal aggrieved against the judgment and decree passed by the Courts below, whereby the suit for permanent injunction restraining the defendants from demolishing the tubewell situated in the land measuring 7 kanals 10 marlas was dismissed. It is a case of the plaintiffs that though the land was acquired by the State under the Land Acquisition Act, 1894 and that the defendants were awarded the compensation of the acquired land but no compensation of super structure including tubewell was announced, though the respondents cannot be permitted to dispossess the plaintiff.

In the written statement, the defendants pointed out that the land measuring 7 kanals 15 marlas comprising in khasra No.15//16/2 has been acquired vide award No.455 dated 14-2-1996 which includes the land, super structure and tubewell. The compensation of Rs.1,83,683/- has

been received by the plaintiffs on 17-2-1997. Another compensation of Rs.45080/- has been received by the plaintiffs on 19-5-1997 in respect of tubewell in question falling in khasra No.15//16/2.

The learned Trial Court dismissed the suit by holding that the award dated 14-02-1996 Ex.D1 was passed in the presence of the plaintiffs and that at page 21 of the award names of the plaintiffs. The learned First Appellate Court, in appeal filed by the plaintiff-appellants found that the compensation of Rs.45080/- has been received by the plaintiffs on 19-5-1997 in respect of tubewell in question falling in khasra No.15//16/2. It has been also found that a perusal of award Ex.D1 clearly proves that the land and the super structure including the tubewell have been acquired, the award announced and compensation paid.

In view of the fact that the compensation on account of land, super structure and tubewell has been received by the plaintiffs, I do not find any patent illegality or irregularity in the findings recorded by the Courts below, which may give rise to any substantial question of law in the present appeal.

Hence, the present appeal is dismissed.

(HEMANT GUPTA)
JUDGE

August 23, 2007
jt